## REMARKS

Claims 1, 3-9 and 11-17 are pending in the application. The Examiner's reconsideration of the rejections is respectfully requested in view of the amendments and remarks.

Applicants gratefully acknowledge Examiner's indication that Claims 3, 8, 11, and 16 include allowable subject matter and would be allowable if rewritten as suggested in the Office Action.

Claims 1, 2, 7, 9-10, and 15 stand rejected under 35 USC 103(a) as being unpatentable over Carlson (USPN 6,697,849) in view of Pulley (U.S. Patent App. No. 2002/0087679). The Examiner stated essentially that the combined teachings of Carlson and Pully teach or suggest all the limitations of Claims 1, 2, 7, 9-10, and 15.

Claims 1 and 9 claim, *inter alia*, a "Goal procedure is effected by minimizing an objective function measuring expected response time as a function of customer arrival rate subject to a plurality of constraints including a maximum load due to a plurality of public requests for the target website on the server and a plurality of private requests for the target website on the server."

Claims 1 and 9 have been amended to include portions of allowable Claims 3 and 11, respectively. Accordingly, Claims 1 and 9 are believed to be in condition for allowance. Referring to the cited art in particular:

Carlson teaches a method for caching JavaServer Page component responses (see Abstract). Carlson discloses a method of load balancing among a plurality of backend application servers for a given website (see, e.g., FIG. 2A of Carlson and the accompany description). Carlson does not teach or suggest minimizing an objective function measuring expected response

time as a function of customer request arrival rate subject to a maximum load, essentially as claimed in Claims 1 and 9.

Pulley teaches a method for monitoring website activity in real time (see Abstract). Pulley teaches how to monitor website activity. Therefore, Pulley fails to cure the deficiencies of Carlson.

The combined teachings of Carlson and Pulley teach a method for monitoring a website served by a server implementing an application component marked to sticky load balancing. The combined teachings of Carlson and Pulley fail to teach or suggest a "Goal procedure is effected by minimizing an objective function measuring expected response time as a function of customer request arrival rate subject to a plurality of constraints including a maximum load due to a plurality of public requests for the target website on the server and a plurality of private requests for the target website on the server" as claimed in Claims 1 and 9.

Claims 7 and 15 depend from Claims 1 and 9, respectively. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 9. Claims 2 and 10 have been cancelled. Reconsideration of the rejection is respectfully requested.

Claims 5 and 13 are rejected under 35 USC 103(a) as being unpatentable over Carlson and Pulley in view of Lomet (US 5,806,065).

Claims 5 and 13 depend from Claims 1 and 9, respectively. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 9. Reconsideration of the rejection is respectfully requested.

Claims 6 and 14 stand rejected under 35 USC 103(a) as being unpatentable over Carlson in view of Lomet and Pulley, and further in view of U.S. Patent No. 6,771,595 to Gilbert.

Claims 6 and 14 depend from Claims 1 and 9, respectively. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 9. Reconsideration of the rejection is respectfully requested.

Claim 17 stands rejected under 35 USC 103(a) as being unpatentable over Carlson and Pulley in view of Lomet. The Examiner stated essentially that the combined teachings of Carlson, Pulley and Lomet teach or suggest all the limitations of Claim 17.

Claim 17 claims, *inter alia*, network dispatcher comprising means for executing a Dynamic procedure "invoking said Goal procedure to utilize said convex increasing function and revised acceptable load limit to minimize an objective function measuring expected response time as a function of customer request arrival rate subject to a plurality of constraints including a maximum load for each server due to a number of shareable requests in the queue for said website and a number of unshareable requests for said website."

Claim 17 has been amended to include portions of allowable Claim 16. Accordingly, Claim 17 is believed to be in condition for allowance. Referring to the cited art in particular:

Carlson teaches a method for caching JavaServer Page component responses (see Abstract). Carlson discloses a method of load balancing among a plurality of backend application servers for a given website (see, e.g., FIG. 2A of Carlson and the accompany description). Carlson does not teach or suggest minimizing an objective function measuring expected response time as a function of customer request arrival rate subject to a maximum load, essentially as claimed in Claim 17.

Pulley teaches a method for monitoring website activity in real time (see Abstract). Pulley teaches how to monitor website activity. Therefore, Pulley fails to cure the deficiencies of Carlson.

Lomet teaches a data server using a distributed tree index (see Abstract).

The combined teachings of Carlson, Pulley and Lomet teach a method for monitoring a website served by a server using a distributed tree index and implementing an application component marked to sticky load balancing. The combined teachings of Carlson, Pulley and Lomet fail to teach or suggest "minimizing an objective function measuring expected response time as a function of customer request arrival rate subject to a plurality of constraints including a maximum load for each server due to a number of shareable requests in the queue for said website and a number of unshareable requests for said website" as claimed in Claim 17.

Reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the application, including Claims 1, 3-9 and 11-17, is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

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